

**UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE**

JOSEPH HURLEY, and)
KAREN G. WRIGHT AND STEPHEN WRIGHT,)
d/b/a WRIGHT WINE WORKS,)

Plaintiffs,)

v.)

1:05-cv-826-SLR

RUTH ANN MINNER, Governor,)
M. JANE BRADY, Attorney General,)
and JOHN CORDERY, Delaware Alcoholic)
Beverage Control Commissioner,)

Defendants.)

MOTION TO DISMISS

NOW COME, Defendants, by and through the undersigned counsel, and hereby move this Honorable Court to enter an Order dismissing Plaintiffs' complaint pursuant to Fed.R.Civ.Proc. 12(b). Defendants present a Brief in Support of their Motion to Dismiss, which is filed simultaneously herewith.

STATE OF DELAWARE
DEPARTMENT OF JUSTICE

/s/ Laura L. Gerard
Laura L. Gerard (DE I.D. #3202)
Deputy Attorney General
820 North French Street, 6th Floor
Wilmington, DE 19801
(302) 577-8400

Dated: January 20, 2006

**UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE**

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M. JANE BRADY, Attorney General,)
and JOHN CORDERY, Delaware Alcoholic)
Beverage Control Commissioner,)

Defendants.)

ORDER

WHEREAS Based upon consideration of the Defendants' submitted documents, the Governor as a named Defendant is not a proper party to the above-captioned matter;

WHEREAS the Attorney General as a named Defendant is not a property party to the above-captioned matter;

WHEREAS Plaintiffs' claim is not ripe nor does Plaintiff Wright have standing, and further Plaintiffs' requested relief is outside the subject matter jurisdiction of this Court;

IT IS SO ORDERED this _____ and of _____, 2006, that Plaintiffs' claims against Defendants are hereby dismissed with prejudice.

Honorable Sue L. Robinson
Chief Judge, United States District Court

CERTIFICATE OF MAILING AND/OR DELIVERY

The undersigned certifies that on January 20, 2006 she caused the attached Defendants' Motion to Dismiss, Brief in Support of its Motion to Dismiss and proposed Order, to be delivered to the following persons in the form and manner indicated:

NAME AND ADDRESS OF RECIPIENT(S):

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MANNER OF DELIVERY:

- ☐ One true copy by facsimile transmission to each recipient.
- ☒ Two true copies by first class mail, postage prepaid, to each recipient.
- ☐ Two true copies by Federal Express.
- ☐ Two true copies by hand delivery to each recipient.

STATE OF DELAWARE
DEPARTMENT OF JUSTICE

/s/ Laura L. Gerard
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